

Present:-
Mr. Justice Mahmudul Hoque
Civil Rule No. 232(Con) of 2022

Md. Abul Hossain

...Petitioner

-Versus-

Md. Abdur Rashid and others

...Opposite-parties

Mr. Chowdhury Shamsul Arifin, Advocate

...For the Petitioner

No one appears.

...For the opposite-parties

Judgment on 20th October, 2024.

On an application under Section 5 of the Limitation Act, this Rule was issued calling upon the opposite-parties to show cause as to why the delay of 221 days in filing this revision against the impugned judgment and decree dated 22.03.2021 passed by the learned Joint District Judge, 1st Court, Naogaon in Title Appeal No. 214 of 1992 disallowing the same and thereby affirming the judgment and decree dated 08.10.1992 passed by the learned Assistant Judge, Sapahar, Naogaon in Other Class Suit No. 17 of 1991 decreeing the suit should not be condoned and/or pass such other or further order or orders passed as to this Court may seem fit and proper.

Mr. Chowdhury Shamsul Arifin, learned Advocate appearing for the applicant submits that the delay of 221 days in filing this revision has been explained in the application filed on 31.01.2022. He further submits that there is no intentional laches and negligence on the part of the petitioner but the present revisional application could not be filed in time. He also submits that there is merit in this revision to be succeeded and unless the delay of 221 days in filing

the revisional application is condoned, the petitioner shall suffer irreparable loss and deprived of getting justice, accordingly, he prays for condonation of delay.

No one appeared for the opposite-parties to oppose the same.

I have gone through the application for condonation of delay and the statements made thereof.

It appears that the revisional application has been filed beyond time. The reasons stated in the application for condonation of delay are found to be satisfactory. Moreover, condonation of delay always depends upon the discretion of the Court and power to condone delay has been conferred upon Court to enable it to do substantial justice to the parties by disposing the matters on merit and the Court as a long standing practice in condoning delay, generally, in its discretion entertains application for condonation of delay in a suitable case where there is no laches or negligence on the part of the petitioner.

Having considered the facts and circumstances of the case, this Court is inclined to condone the delay.

In the result, the Rule is made absolute, however, without any order as to costs.

The delay of 221 days in filing the appeal is hereby condoned.

Order of *status-quo* stands vacated.

Office is directed to do the needful.